

Members

Rep. Jonathan Weinzapfel, Chairperson
Rep. Ron Herrell
Rep. Richard Mangus
Rep. David Wolkins
Sen. Beverly Gard
Sen. Kent Adams
Sen. Lindel Hume
Sen. Vi Simpson
Gary Reding
Randy Edgemon
Mayor William Goffinet
Mayor James Trobaugh
Art Smith, Jr.
Ellen Tobias
William Hayden
Kerry Manders
Lori F. Kaplan
Sandra Miles



ENVIRONMENTAL QUALITY SERVICE COUNCIL

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Authority: P.L. 248-2001 (SEA 121)

MEETING MINUTES¹

Meeting Date: October 24, 2002
Meeting Time: 10:30 A.M.
Meeting Place: Governmental Center South, 302 W.
Washington St., Training Center, Room 5
Meeting City: Indianapolis, Indiana
Meeting Number: 5

Members Present: Rep. Jonathan Weinzapfel, Chairperson; Rep. Ron Herrell; Rep. Richard Mangus; Rep. David Wolkins; Sen. Beverly Gard; Sen. Kent Adams; Sen. Lindel Hume; Sen. Vi Simpson; Randy Edgemon; Mayor James Trobaugh; Ellen Tobias; William Hayden; Kerry Manders; Lori F. Kaplan.

Members Absent: Gary Reding; Mayor William Goffinet; Art Smith, Jr.; Sandra Miles.

Rep. Jonathan Weinzapfel, Chairperson of the Environmental Quality Service Council (EQSC), called the meeting to order at 10:45 a.m.

Lori Kaplan, Commissioner of the Indiana Department of Environmental Management (IDEM), introduced Cheryl Reed, recently appointed IDEM Assistant Commissioner, Public Policy and Planning. Commissioner Kaplan provided the IDEM Commissioner's Report (Handout #1) to the EQSC. The report included the following information:

1. An overview of IDEM outreach, education, and assistance programs from September 1 through September 30, 2002
2. Rulemaking updates for the environmental rulemaking boards
3. Fees collected

¹ Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

4. Permit report cards
5. Permit charts
6. Selected news releases from September 1 through October 21, 2002
7. Handouts on five-year Hazardous Air Pollutant Strategy presentation
8. Handout on Continental Steel Superfund Clean-up presentation
9. Response to questions related to the Clean Air Car Check Program
10. Memorandum on Allen County on-site disposal systems and SEA 461-2002
11. Annual Report on Voluntary Environmental Audits
12. Annual Report on Enforceable Operating Agreement Program
13. 2002 Update on Compliance and Technical Assistance Program Activities

Commissioner Kaplan introduced Pat Likins, IDEM program manager for the Kokomo Continental Steel Superfund site. Ms. Likins made the IDEM Continental Steel Superfund Clean-up presentation as outlined in Handout #1. In response to Rep. Herrell, Ms. Likins addressed cost issues related to the disposal of materials from the site at an off-site facility as compared to disposal in an onsite Corrective Action Management Unit (CAMU). She discussed: (1) the status of cost estimates; (2) the availability of federal and state funds; (3) the implications for the City of Kokomo if state funds are not available when needed; (4) the primary responsibility of the state for remediation of future problems at the disposal site; and (5) the implications of focusing initial clean-up efforts on the hazardous waste. Rep. Herrell stated that firm cost figures for the two disposal alternatives should be obtained before a final decision is made. Mayor Trobaugh commented that he has received no negative comments on the CAMU option, and that he is concerned that possible delay caused by variance from immediate pursuit of that option could jeopardize prospects for federal funding.

Janet McCabe, IDEM Assistant Commissioner, Office of Air Quality, made the IDEM Report on Hazardous Air Pollutants (HAP's) (Handout #2), and distributed a draft of "SEA 259 Report Executive Summary" (Handout #3), which addresses the requirement under P.L. 166-2002 (SEA 259) for IDEM and the State Department of Health to jointly develop a five-year HAP strategy and to report to the EQSC. In response to Sen. Hume, Ms. McCabe addressed the difficulties of associating the development of certain diseases in individuals with particular pollutants. In response to Rep. Weinzapfel, she discussed potential revisions to initially proposed HAP rules that might result from the SEA 259 review, and the timing of implementation of new requirements. In response to Sen. Gard, she addressed the potential effects of revised HAP rules on IDEM resources and on the cost of compliance to businesses. In response to Ellen Tobias and Sen. Hume, she discussed the process for revision of the rule and the likely time frame, and compared Indiana's HAP program to programs in other states. Sen. Hume expressed his belief that further administrative action should not be finalized until after the next session of the General Assembly.

Randy Edgemon reported on the work of the Water Infrastructure Finance Subcommittee. Mr. Edgemon described the subcommittee's proceedings in which the effectiveness of the current SRF programs was examined, and the future water infrastructure needs and potential funding sources were considered. The subcommittee's conclusions are reflected in the following recommendations:

Recommendation #1: "Long term SRF environmental programs needs and related utility infrastructure needs should be handled by a new entity. In the short term, SRF procedures should be streamlined and better coordinated."

Recommendation #2: "Storm water and wastewater infrastructure needs are projected to be \$8-16 billion. Current requirements should not and cannot be borne strictly by ratepayers. State and federal contributions are required to meet standards, protect public health, and ensure success of our communities. Indiana needs to leverage federal funding and find a permanent source of state funding."

EQSC members discussed adoption of the recommendations with certain changes. Rep. Weinzapfel's proposal to amend Recommendation #1 by inserting "or existing single" in the first sentence before "entity" carried by voice vote. By voice vote, the EQSC adopted Recommendation #1 as amended as its recommendation. Bill Hayden's proposal to amend Recommendation #2 by deleting "needs to" and inserting "should" in the fourth sentence carried by voice vote. By voice vote, the EQSC adopted Recommendation #2 as amended as its recommendation.

Sen. Hume asked Bill Beranek to report on the work of the Wetlands Quality Workgroup. Dr. Beranek discussed the workgroup's proceedings as described in Attachment 1 of the draft final report of the EQSC (Handout #4) at page 9. Mr. Hayden's proposal to amend the workgroup report by redesignating Appendix A as paragraph III was carried by voice vote. By voice vote, the EQSC adopted the workgroup report as amended.

Rep. Wolkins reported on the work of the Wetlands Restoration Incentives Workgroup. He discussed the workgroup's proceedings as described in Attachment 2 of Handout #4 at page 13. By voice vote, the EQSC adopted the workgroup report, and adopted as its recommendations the workgroup recommendations that appear on page 14 of Handout #4.

Sen. Gard reported on the work of the Wetlands Statutory Authority Workgroup. She discussed the workgroup's proceedings as described in Attachment 3 of Handout #4 at page 20. Mr. Hayden's proposal to amend the workgroup report by applying the parenthetical disclaimer language that appears at the beginning of Appendix C to all appendices was carried by voice vote. The EQSC did not take action on alternative "fundamental observations" and "recommendations" language proposed by Mr. Hayden (Handout #5). By voice vote, the EQSC adopted the workgroup report as amended, and adopted as its recommendations the workgroup recommendations that appear on page 24 of Handout #4.

By voice vote, the EQSC adopted as its recommendation the recommendation on LaGrange Sewer District Campground Fees that appears on page 7 of Handout #4.

By voice vote, the EQSC adopted as its recommendation the recommendation on Allen County Septic System Issues that appears on page 7 of Handout #4.

There was further discussion of the Kokomo Continental Steel Superfund site. Rep. Herrell proposed adoption of a recommendation to require IDEM to issue a request for proposals to seek competitive bids to determine the actual cost of off-site disposal. The proposal was defeated by voice vote.

By voice vote, the EQSC adopted the following recommendations:

Vehicle Emissions Testing: "IDEM should work with Clark and Floyd Counties to adopt the lowest level of vehicle emissions testing required to meet clean air standards and work with local communities to find alternatives to vehicle emissions testing."

HAP: "The EQSC should review the revised HAP rule before its adoption in 2003."

By voice vote, the EQSC approved the draft final report, as amended.

Rep. Weinzapfel adjourned the meeting at 3:45 p.m.